

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

MAY 31 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

ESTEBAN MALDONADO ARMENTA,

Appellant.

2 CA-CR 2006-0290
DEPARTMENT A

MEMORANDUM DECISION

Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20055054

Honorable Charles S. Sabalos, Judge

AFFIRMED

Peter B. Keller

Tucson
Attorney for Appellant

P E L A N D E R, Chief Judge.

¶1 After a jury trial, appellant Esteban Armenta was convicted of attempted armed robbery and aggravated assault. The trial court sentenced him to concurrent, mitigated, five-year terms of imprisonment.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999),

avowing he has reviewed the trial record but has found no arguable legal issues to raise on appeal. In compliance with *Clark*, counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so that] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” *Id.* ¶ 32. Counsel asks us to search the record for reversible error. Armenta has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record, viewing the evidence in the light most favorable to upholding the verdicts. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). We are satisfied that the record supports counsel’s recitation of the facts.

¶4 Specifically, at Armenta’s trial, Luis G. testified that on December 10, 2005, he had driven to his aunt’s house to return her vehicle to her. After Luis had exited the vehicle, Armenta approached him, pointed a gun at him, and asked Luis for the vehicle’s keys. Luis then pushed the gun away, ran into his aunt’s house, and heard a gunshot behind him as he was running. Luis had identified Armenta later that evening after Armenta was apprehended by Tucson police officers. He repeated that identification in open court. This testimony was partially corroborated by Javier F., one of Armenta’s companions on the night of the offense, who testified that Armenta had been carrying a gun that evening and that immediately after Javier had heard a gunshot, Armenta started running and told his companions, “let’s go.” Tucson Police Department criminalist Aaron Brudenell also testified that a spent bullet found at the scene of the offense was consistent with the .22 caliber pistol found in Armenta’s front pocket on the night of his arrest.

¶5 Substantial evidence thus supported a finding that Armenta used a handgun to threaten Luis as a means of taking his car keys from him. *See State v. Jones*, 125 Ariz. 417, 419, 610 P.2d 51, 53 (1980) (substantial evidence is that which “reasonable persons could accept as adequate and sufficient to support a conclusion of defendant’s guilt beyond a reasonable doubt”). This was sufficient to establish elements of aggravated assault and attempted armed robbery. *See* A.R.S. §§ 13-1204(A)(2), 13-1203(A)(2) (aggravated assault may be committed by using a deadly weapon to intentionally place another person in reasonable apprehension of imminent physical injury); A.R.S. §§ 13-1001(A)(2), 13-1904(A)(2), and 13-1902(A) (attempted armed robbery may be committed by intentionally threatening use of force, using deadly weapon, as step toward taking property of another from his person and against his will). Furthermore, the trial court imposed sentences within the statutory range authorized by A.R.S. § 13-603.

¶6 Having found no reversible error, we affirm the judgment of convictions and sentences.

JOHN PELANDER, Chief Judge

CONCURRING:

JOSEPH W. HOWARD, Presiding Judge

GARYE L. VÁSQUEZ, Judge